



COTTONWOOD HEIGHTS

PLANNING COMMISSION STAFF REPORT

MARCH 05, 2008



COTTONWOOD HEIGHTS PLANNING COMMISSION AGENDA

Notice is hereby given that the Cottonwood Heights Planning Commission will hold a scheduled meeting at **7:00 p.m. on Wednesday, March 05, 2008** in the Cottonwood Heights City Council Room, 1265 East Fort Union Blvd., Suite 300, Cottonwood Heights, Utah

5:45 p.m. Work Session (Suite 250)

7:00 p.m. Regular Meeting (Suite 300)

1. Public Comment

This agenda item is for public comments on items not on the regular agenda and for informational purposes only. No formal action will be taken during this portion of the meeting.

2. Public Hearing – General Plan Amendment - Mark Neff

The Planning Commission will receive public comment on an applicant initiated request to amend the general plan from low-density residential to medium-density residential for the properties located at:

- 8559 South Wasatch Blvd.
- 8565 South Wasatch Blvd.
- 8575 South Wasatch Blvd.
- 8585 South Wasatch Blvd.
- 8595 South Wasatch Blvd.

3. Public Hearing – General Plan Amendment – Curtis Nelson

The Planning Commission will receive public comment on an applicant initiated request to amend the general plan from low-density residential to neighborhood commercial for the properties located at:

- 1638 East Fort Union Blvd.
- 1642 East Fort Union Blvd.
- 1648 East Fort Union Blvd.
- 1680 East Fort Union Blvd.
- 1690 East Fort Union Blvd.
- 6943 South 1620 East

4. Consent Calendar – Conditional Use Permit – Short Term Rentals

The Planning Commission will receive public comment and take action on request for conditional use permits for short-term rentals located at the addressed listed below.

- 3596 East 9050 South
- 3585 East Lost Spring Lane
- 3578 East Lost Spring Lane
- 3560 East Rustic Spring Lane
- 3534 East Wasatch Grove Lane
- 8188 South Clover Spring Lane
- 8196 South Clover Spring Lane
- 8208 South Wasatch Grove Lane
- 8234 South Wasatch Grove Lane

5. Discussion Item – First Review – Amendments to Chapter 19.76 - Supplementary and Qualifying Regulation
The Planning Commission will review and discuss proposed changes to Chapter 19.76.
6. Discussion Item – First Review – Amendments to Chapter 19.90 – Amendments and Rezoning
The Planning Commission will review and discuss proposed changes to Chapter 19.90.
7. Discussion Item – Architectural Design Standards
8. Planning Director's Report
9. Adjournment

On Friday, February 29, 2008 at 11:00 a.m. a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Cottonwood Heights City Offices, Cottonwood Heights, Utah. A copy of this notice was faxed to the Salt Lake Tribune and Deseret News, newspapers of general circulation in the City by the Office of the City Recorder. A copy was also faxed or e-mailed to the Salt Lake County Council, Holladay City, Midvale City, Murray City, and Sandy City pursuant to Section 10-9-103.5 of the Utah Code. The agenda was also posted on the city website at www.cottonwoodheights.utah.gov

Sherry McConkey, Planning Coordinator



Item 1 – Public Comment

Issue: _____

Comments:

Issue: _____

Comments:

Issue: _____

Comments:



Item 2: Request for General Plan Amendment – Alta Hills #3

File Name:	Alta Hills #3 General Plan Amendment
Application Received:	November 14, 2007
Meeting Date:	March 5, 2008
Public Hearing Date:	March 5, 2008
County parcel Number:	2235479029, 2235479030, 2235479031, 2235479032, 2235479033
Location:	8559, 8565, 8575, 8585, 8595 S. Wasatch Blvd. (Alta Hills #3 Sub.)
Development Area:	1.49 Acres
Request:	Amend the General Plan from Low-density to Medium-density Residential
Owner/Applicant:	Mark Neff
Agent:	Mark Neff
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any request for amendment to the general plan. This report provides preliminary information regarding the general plan designation of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: R-1-8 (19.26), R-2-8 (19.31), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting an amendment to the general plan for five properties located at approximately 8550 South Wasatch Boulevard, also known as the Alta Hills #3 subdivision, from the Low-density Residential to the Medium-density Residential designation.

Neighborhood/Public Position on the Request

At the time of the staff report several comments had been received by staff as a result of the mailed notice. All comments received were by phone and most were inquiries for clarification with regard to the medium-density designation. One comment was against the amendment while the others were somewhat neutral with regard to the change. The most pressing concern seemed to be with the potential for additional short-term rental properties. A report will be given at the time of the meeting to further update the

commission of any other concerns that may have been received. The public hearing was noticed as City code requires. All affected entities were notified in accordance with state and municipal requirements and a written notice was mailed to all property owners within 500 feet of the applicant's property at least 10 days prior to the public hearing.

Staff Observations and Position on the Request

Staff has made the following observations:

Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Site Layout

The subject properties are located on an undeveloped piece of property at approximately 8500 South Wasatch Blvd. The five properties make up the Alta Hills #3 subdivision which was recorded as a standard subdivision in July 2001. The property is accessed from Wasatch Boulevard. The southwestern portion of the property is at the same grade as Wasatch Boulevard. The property extends eastward toward the Esquire Estates #1 subdivision to the east with significant portions of each lot affected by a relatively steep slope. Faults have been identified on the plat and with geotechnical and geological work done when the subdivision was approved limiting building area on some of the lots. The buildable area sits at a lower elevation than the adjacent neighborhoods and has no access to or from any adjacent properties. Several single family homes sit directly south of the subject property with access from Alpen Circle.

Low-density Residential and Medium-density Residential

The applicant has submitted a request to amend the Cottonwood Heights general plan for these properties from the Low-density Residential designation to the Medium-density Residential designation. The change in land use designation would allow an applicant to request a zone change from the R-1-8 zone to the R-2-8 zone. The change would allow the property owner to develop property with twin homes on each of the lots. Currently, the property owner may only acquire building permits for the development of single-family detached housing.

Alta Hills #3 Subdivision

As mentioned, the five properties comprise what was recorded as the Alta Hills #3 subdivision. This subdivision was recorded in July 2001 with specific requirements. One such requirement was for the development of a private lane creating a single access point onto Wasatch Boulevard. This was a result of approval from the Utah Department of Transportation and its approval of access onto the state road. Amending the general plan will not change this requirement and a single access point will still be required as approved on the plat.

Recommendation

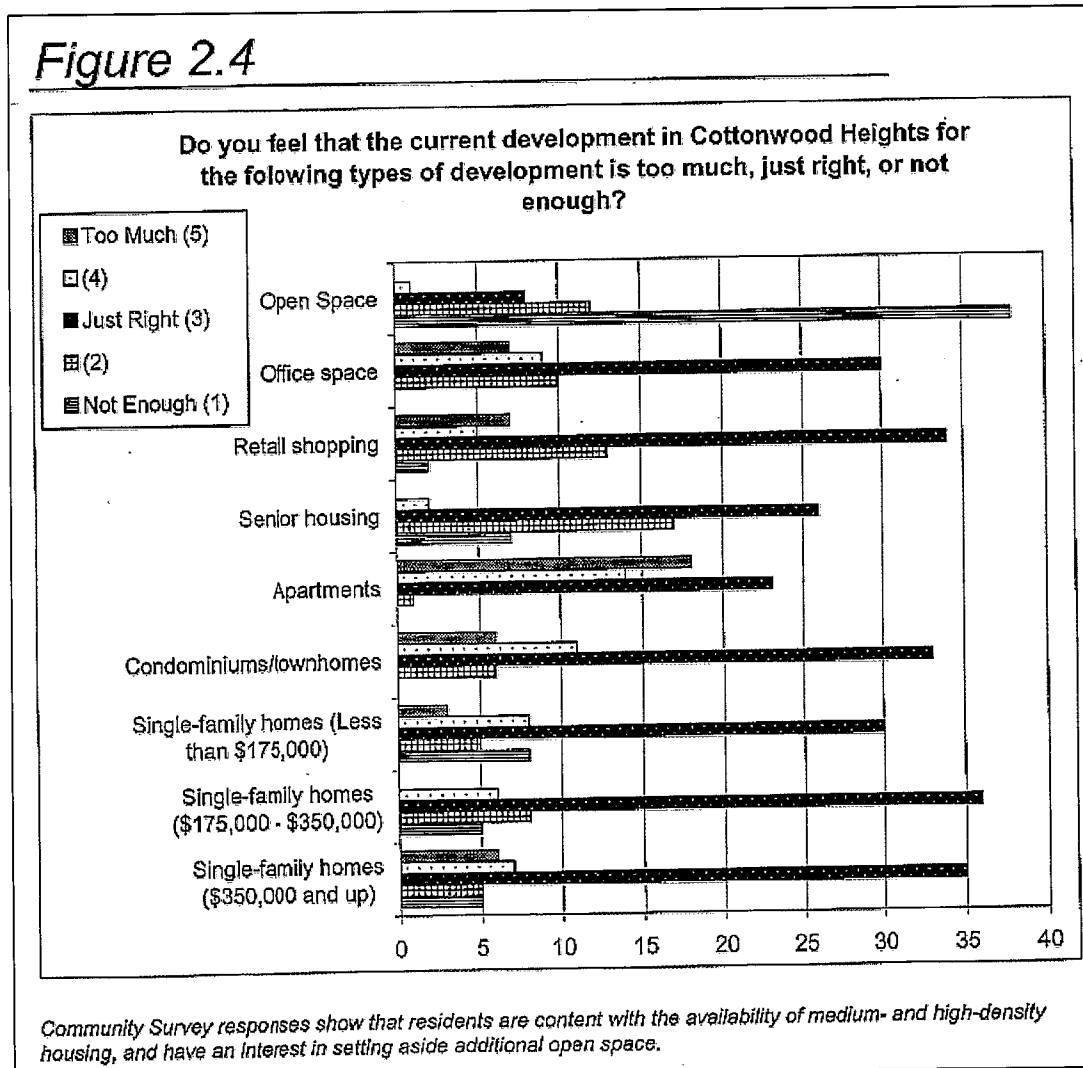
The applicant is requesting an amendment to the Cottonwood Heights general plan for the subject properties from the Low-density Residential to Medium-density Residential land use designation. Staff is recommending **denial** of the request to amend the general plan. The reasons for the recommendation are outlined in following sections of this report.

General Plan

The Cottonwood Heights general plan and the visioning process for its development took place less than three years prior to this application. In the visioning process and through feedback from Cottonwood Heights residents, a survey was taken with regard to land use inventory in the City. The general plan does not outline the need for additional medium density housing in the City. As general plans are customarily created to look ten to 15 years into the future, it may be presumed that a change such as this within the first three years may not be appropriate.

The chart shown is from the Chapter 2 of the Cottonwood Heights general plan and illustrates the community's response to the land use inventory in Cottonwood Heights.

Figure 2.4



Previous Applications

There have been several previous applications submitted for amendments to the general plan and for zone changes with regard to increased residential density since incorporation. The first application was a request for a general plan amendment requesting a change from rural residential to high density residential on property on Highland Drive. The applicant withdrew the application after several discussions with staff and the council with regard to the potential denial of the request with no final determination being made. The second application was a request for R-2-8 zoning along Bengal Boulevard. This application received much scrutiny and a great deal of public comment. The request for zone change in

this case was not approved as requested. Instead, three of the seven properties were approved for a zone change while the remaining four properties remained unchanged. No other applications have been made to increase residential density since the time of incorporation. These applications may support the general plan in illustrating that the existing medium density housing is consistent with City's goals.

Land Use in the General Area

The land use designations in the general area of the subject property is predominantly low-density residential. There is a group of three duplexes across the street from the subject property that is zoned R-2-8. This designation, however, is most likely a result of the existing use and matching the existing land use to the correct zone. The general plan for those properties is low-density residential. Amending the general plan for a change from low-density residential to medium-density residential may create an isolated area where land use designations are not consistent with properties directly adjacent to or nearby the subject properties.

Short-term Rentals

One concern that was raised by several residents with regard to this application was the potential for short-term rentals. Under the provisions of the newly adopted short-term rental ordinance, these properties may be approved as short-term rentals if an amendment to the general plan and a subsequent zone change was approved. The current short-term rental ordinance allows property owners to apply for a short-term rental as a conditional use if the property is 1) in an area zoned as R-2-8, 2) if the property is in a PUD with at least eight units and 3) the property is accessed by a private road. The short-term rental ordinance allowed new applications to be submitted to the City until only January 31, 2008. Since this time has passed, new applications would not be processed. If the City Council were to allow new applications to be submitted, these properties may be able to apply.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning – R-1-8: Chapter 19.26

Zoning – R-2-8: Chapter 19.31

Amendments and Rezoning: Chapter 19.90

Cottonwood Heights General Plan Land Use Map

Staff Contact:

Glenn Symes Associate Planner

Telephone: 545-4190

Fax: 545-4150

Cell: 502-5004

E-mail gsymes@cottonwoodheights.utah.gov

List of Attachments:

1. Map of Property
2. Notice Sent to Property Owners within 500'
3. Alta Hills #3 Subdivision Plat



**Request for General
Plan Amendment**
8559, 8565, 8575,
8585 & 8595 S. Wasatch
Boulevard

Legend

- City Boundary
- Areas of Potential Annexation
- Parcels
- Faults

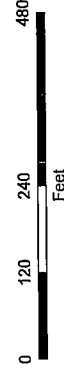
City Land Use

- | | |
|------------|-------------------|
| Civic | RES-High Density |
| Commercial | RES-Med Density |
| MU | RES-Low Density |
| NC | RES-Rural Density |
| ORD | RO |
| OS | Religious |
| OS-S | Utility |

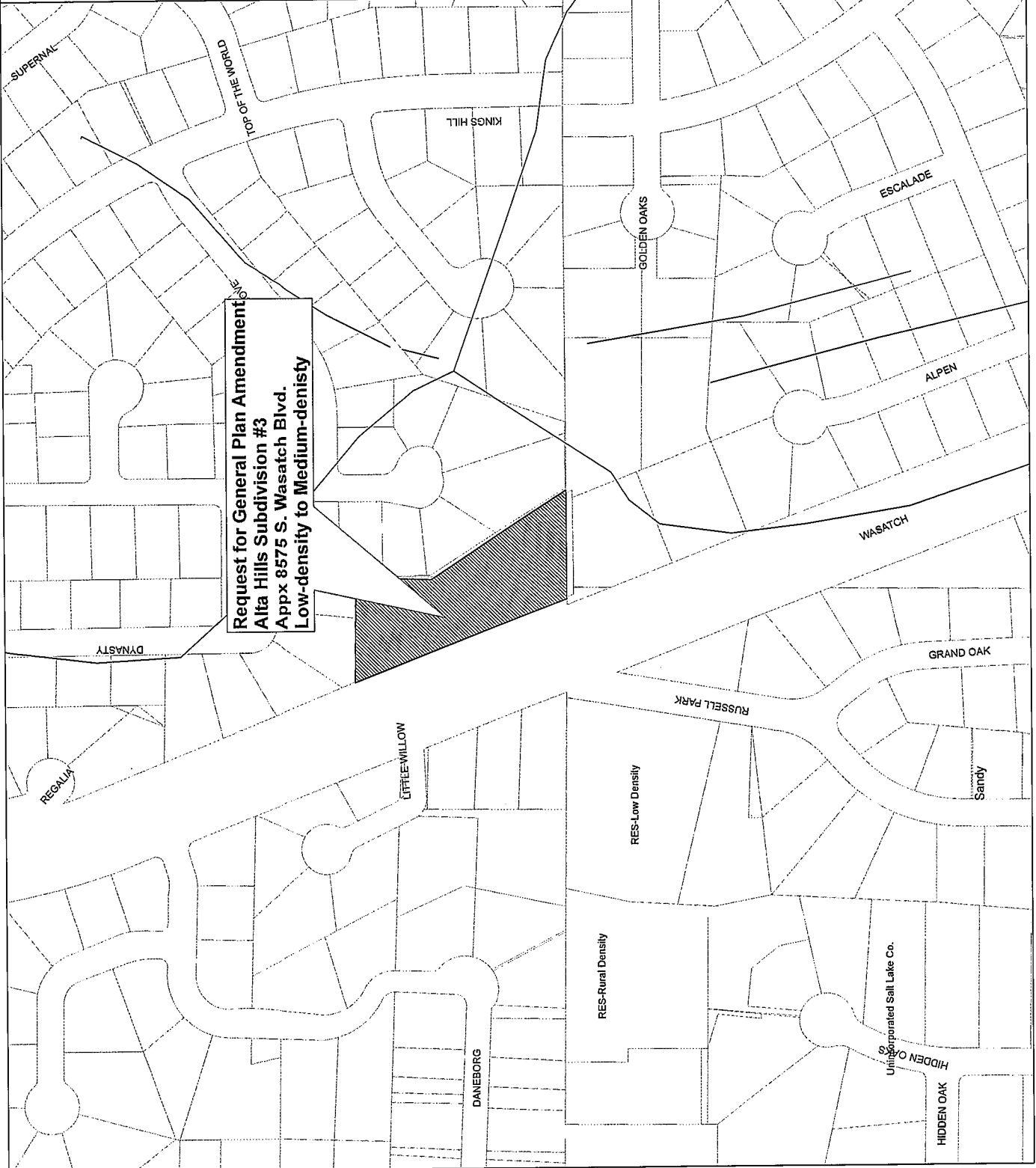
Bordering Cities

- Holladay
- Midvale
- Unincorporated SL County
- USFS Wilderness Area
- Murray
- Sandy

Published:
February 7, 2008
Sources:
Utah State AGRC
Cottonwood Heights
Planning Department



Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd.,
Suite 250
Cottonwood Heights, UT 84047
(801) 545-4154





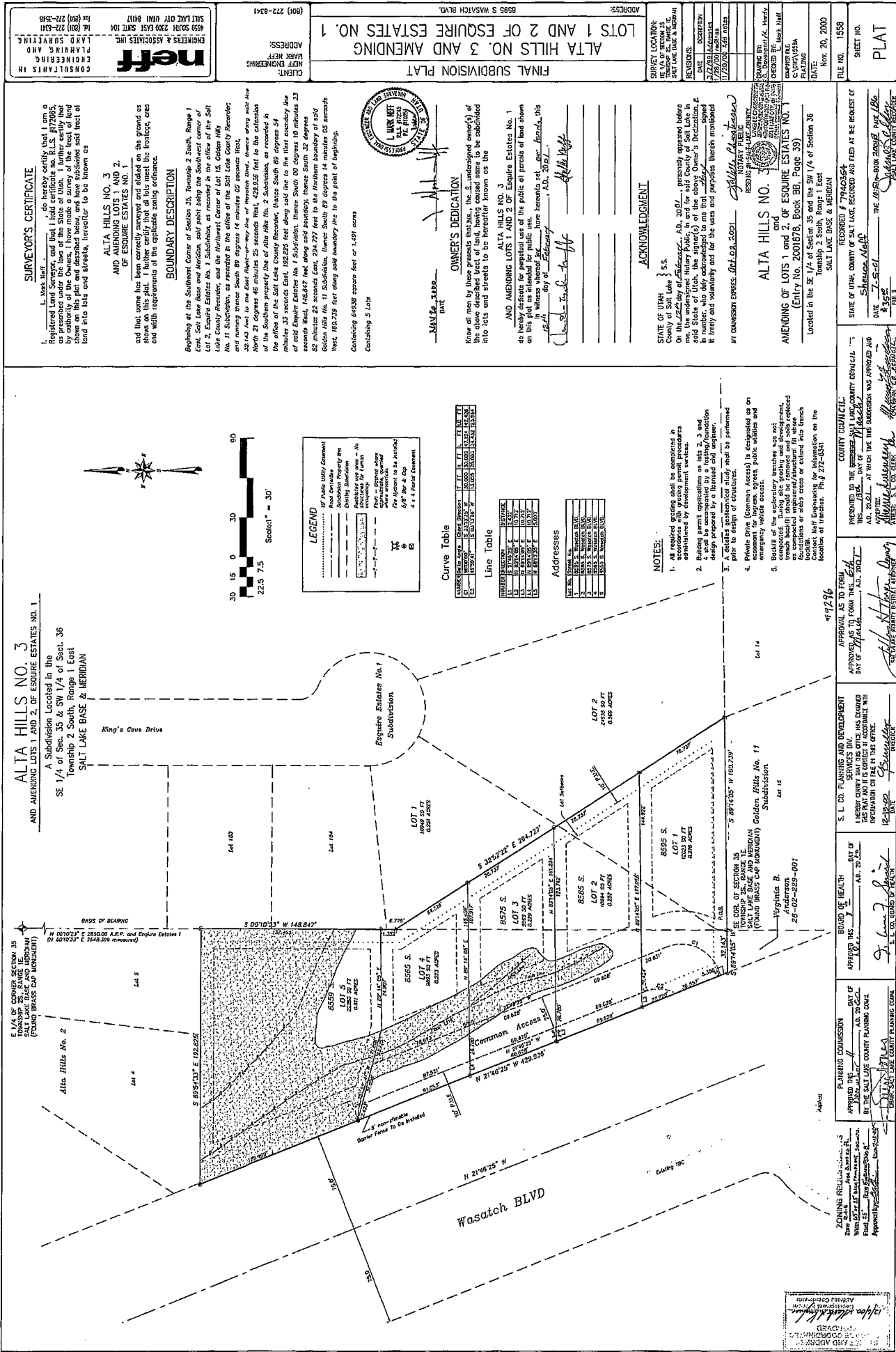
COTTONWOOD HEIGHTS
NOTICE OF A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE GENERAL PLAN

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission to receive comment on a proposed applicant-initiated amendment to the General Plan for Cottonwood Heights, at the following properties located in Cottonwood Heights, UT:

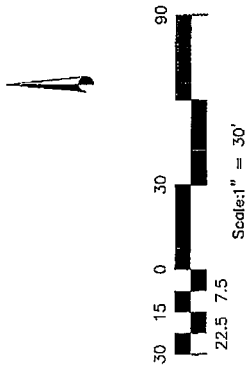
- 8559 South Wasatch Blvd.
- 8565 South Wasatch Blvd.
- 8575 South Wasatch Blvd.
- 8585 South Wasatch Blvd.
- 8595 South Wasatch Blvd.

The applicant is proposing to change the General Plan designation from low-density residential to medium-density residential. The hearing will be held at the Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, on March 5, 2008, at 7:00 p.m. or as soon thereafter as the matter can be heard. A map of the proposed amendment can be found on the City's website at www.cottonwoodheights.utah.gov. Any inquiries should be directed to Glenn Symes at 545-4154

ATTEST: Linda Dunlavy
City Recorder



2001P-1860



LEGEND

- 10' Public Utility Easement
- Road Centerline
- Subdivision Property line
- Existing Subdivision
- Restricted use area - No structures for human occupancy
- Fault - Dashed where approximately located, queried where uncertain
- Fire Hydrant to be installed
- 5/8" Bar & Cap
- 4 x 4 Postal Easement

Curve Table

NUMBER	Radius	Chord	Angle	T	R	L	LC	PT
C1	80'00"	S 23°13'35" W	30.000	30.000	47.124	42.428		
C2	49'59'41"	S 03°13'26" W	13.055	25.000	24.432	23.664		

Line Table

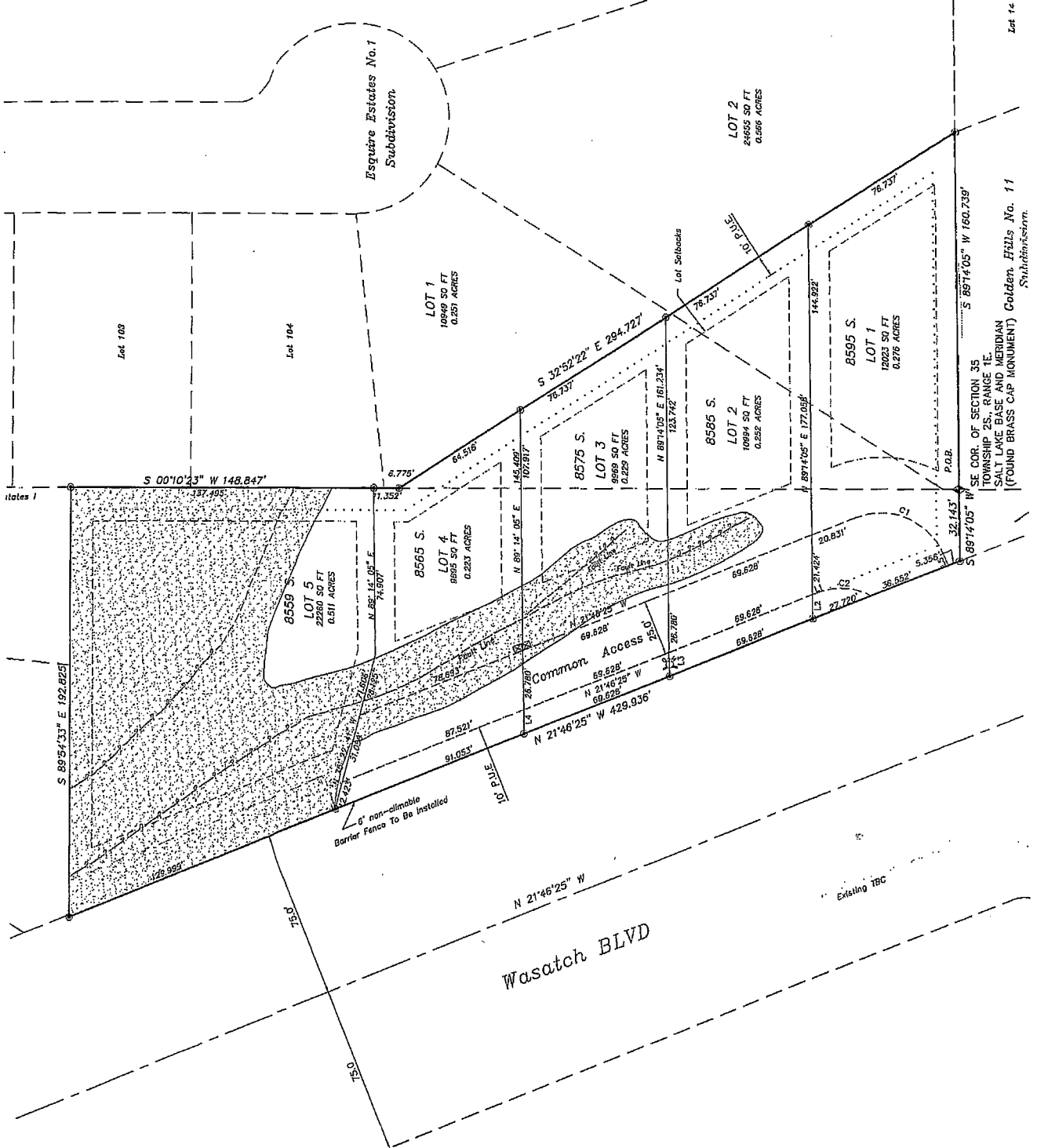
NUMBER	DIRECTION	DISTANCE
L1	S 21°46'25" E	2.432'
L2	N 89°14'05" E	10.712'
L3	N 89°14'05" E	10.712'
L4	N 89°14'05" E	10.712'
L5	N 89°14'05" E	10.712'

Addresses

Lot No.	Street No.
1	8595 S. Wasatch BLVD.
2	8585 S. Wasatch BLVD.
3	8575 S. Wasatch BLVD.
4	8565 S. Wasatch BLVD.
5	8555 S. Wasatch BLVD.

NOTES:

- All required grading shall be completed in accordance with grading permit procedures administered by development services.
- Building permit applications on lots 2, 3 and 4 shall be accompanied by a grading/foundation design prepared by a licensed civil engineer.
- A detailed geotechnical study shall be performed prior to design of structures.
- Private Drive (Common Access) is designated as an easement for ingress, egress, public utilities and emergency vehicle access.





Item 3: Request for General Plan Amendment – Fort Union Blvd.

File Name:	Fort Union General Plan Amendment
Application Received:	January 29, 2008
Meeting Date:	March 5, 2008
Public Hearing Date:	March 5, 2008
County parcel Number:	2221380001, 2221380018, 2221380007, 2221380008, 2221380019, 2221380009
Location:	6943 S. 1620 E., 1638, 1642, 1648, 1680, 1690 East Fort Union Blvd.
Development Area:	1.48 Acres
Request:	Amend the General Plan from Low-density residential to NC
Owner/Applicant:	Curtis Nelson
Agent:	Curtis Nelson
Staff:	Glenn Symes, Associate Planner

Purpose of Staff Report

The ordinances adopted by the city of Cottonwood Heights (the "City") require City staff to prepare a written report of findings concerning any request for amendment to the general plan. This report provides preliminary information regarding the general plan designation of the above noted parcel of land. Further information will be provided at the Planning Commission meeting through public testimony and oral reports. For reference, the review process applicable to this application is available in the Zoning: R-1-8 (19.26), Residential Office (19.35), Neighborhood Commercial (19.37), Amendments and Rezoning (19.90) and the Cottonwood Heights General Plan.

Pertinent Issues Regarding this Development Application

Applicant's Request

The applicant is requesting an amendment to the general plan for six properties located at approximately 1650 East Fort Union Boulevard from the Low-density Residential to the Neighborhood Commercial (NC) designation.

Neighborhood/Public Position on the Request

At the time of the staff report no comments had been received by staff as a result of the mailed notice. A report will be given at the time of the meeting to further update the commission of any other concerns that may have been received. The public hearing was noticed as City code requires. All affected entities were notified in accordance with state and municipal requirements and a written notice was mailed to all property owners within 500 feet of the applicant's property at least 10 days prior to the public hearing.

Staff Observations and Position on the Request

Staff has made the following observations:

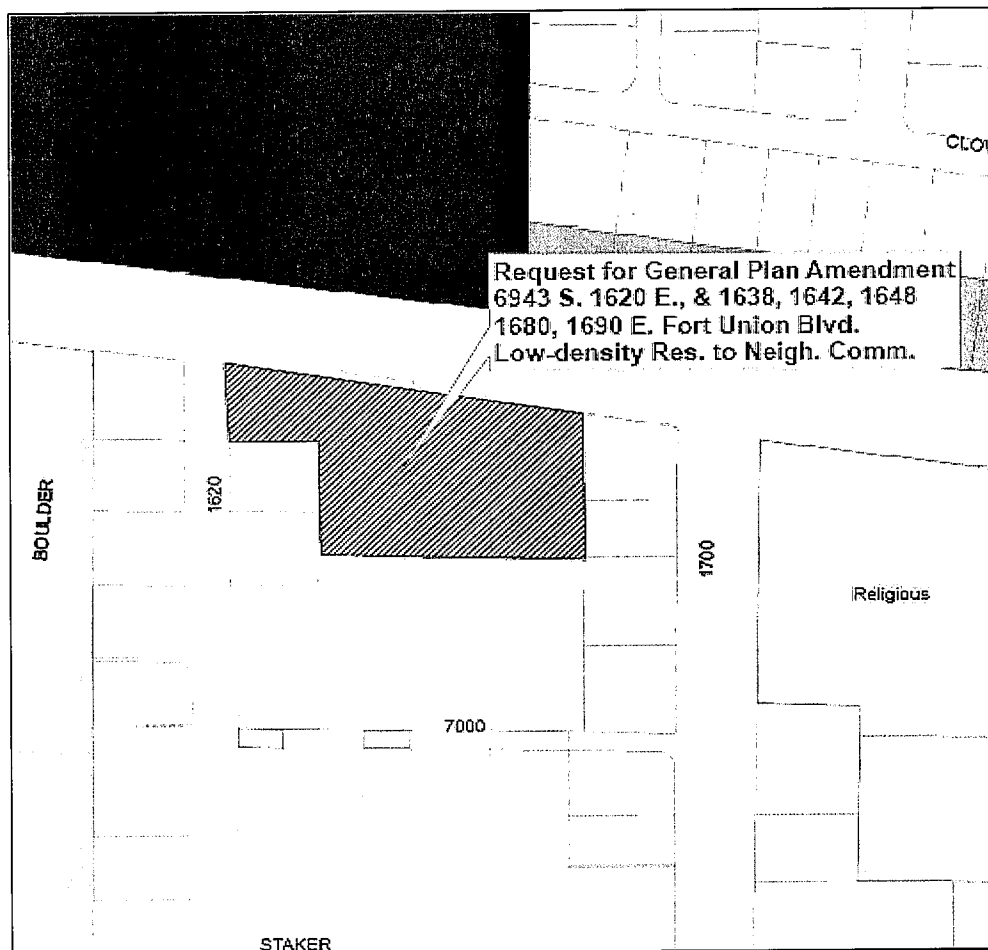
Application

The applicant has submitted a complete application and paid the applicable fees. Staff, in return, has shown reasonable diligence in processing the application.

Site Layout

There are six properties that are included with this application. The western-most property is a former residence and is located at the corner of 1620 East and Fort Union Boulevard. The four middle properties are accessed by a flag lot type access from Fort Union Boulevard. There is a slope along the Fort Union Boulevard side of the properties that limits access to the rear properties as well as somewhat limiting buildable area on these properties. Currently, one home and several multi-family buildings occupy the lots. The eastern-most property has a more even grade and is the largest of the subject lots. Currently a single-family home occupies the property.

The group of subject properties is surrounded by residential development. All of the properties on 1620 East are zoned for and accommodate single-family residential development. The properties to the south of the subject properties are larger lot single-family properties access by the private road known as 7000 South. The properties on the west side of 1700 East are zoned for and accommodate single-family residential development.



Recommendation

The applicant is requesting an amendment to the Cottonwood Heights general plan for the subject properties from Low-density Residential to Neighborhood Commercial. However, staff feels that a change in designation from Low-density Residential to **Residential Office** may be more appropriate. The reasons for such a recommendation are outlined in the following sections of this report.

Land Use Transition

The city of Cottonwood Heights introduced the Residential Office land use designation and zone after the adoption of the first general plan in July 2005. Since the introduction of the RO designation, this option has been used in many applicant initiated amendments as well as City initiated amendments to the general plan. One of the reasons the RO designation was introduced was to create an option for a commercial designation for property that is directly adjacent to residential properties. The intention was to make a more appropriate land use transition from one to the other. It was the feeling of the City that the NC designation may be too intense to create a proper transition between commercial and residential.

The subject properties involved with this application are all directly adjacent to residential areas. Staff feels that the location of the subject properties in relation to the residential properties creates a situation in which a smoother land use transition is necessary. Staff feels that the NC designation would not create the proper land use transition. Both the conditional use process and the ARC review provide the City with the opportunity to master plan the properties to ensure a more appropriate land use transition with any change in use if the general plan and subsequent zone change were approved.

General Plan & Fort Union Boulevard

The Cottonwood Heights general plan addresses Fort Union Boulevard. Much of the discussion is related to parts of Fort Union Boulevard east of Highland Drive. However, chapter two of the general plan discusses Fort Union Boulevard as being a commercial corridor. The corridor has been identified for improved signalization, improved bus routes and bus stops and other improvements. It seems reasonable to anticipate a change from a residential use to a commercial use as the City continues to develop along this corridor. The properties associated with the application remain the only properties with direct access on to Fort Union Boulevard between Union Park Avenue and 2700 East that do not have a commercial land use designation. What is also important, however, is the protection of the residential areas that are located directly behind much of the current and future commercial Fort Union properties. Since the subject properties are located on Fort Union Boulevard, a change to a commercial designation should be anticipated. However, since the subject property is not located at one of the major intersections along Fort Union Boulevard a less intense commercial use may be more appropriate to achieve the goals of the general plan while minimizing impacts on the residents.

Residential Office and Neighborhood Commercial Designations

When an amendment to the general plan is requested one of the most important elements to analyze is the future applications and development potential associated with each future application. For any given land use designation, the Cottonwood Heights general plan allows an applicant to apply for the most intense zoning under that designation. The Neighborhood Commercial designation allows a future applicant to apply for a zone change to either the NC or RO zone. By changing the land use designation from Low-density residential to Residential Office, only a zone change application for RO may be requested.

Staff feels that the RO zone is better suited to accommodate some of the changes anticipated with this and future applications for this property. The RO zone requires buildings to be more consistent with residential bulk and massing as well as overall intensity. The NC zone is designed to be a commercial zone without specific consideration to adjacent residential areas and allows as a conditional use some uses that may not be compatible with nearby residential areas. The RO zone restricts overall size to 5,000 square feet per floor while the NC zone allows up to 7,500 square feet per floor. Setbacks for the two zones are somewhat similar in the consideration of residential zones. However, the RO zone specifically addresses the revitalization and conversion of existing buildings (§19.35.140) where the NC zone does not.

Potential Future Land Uses

From discussions with the applicant, staff can anticipate some of the potential future land uses for the subject properties. It is staff's understanding at this time that the existing home at the corner of 1620 East and Fort Union Boulevard would be used as a small office if the general plan amendment and the subsequent zone change and conditional use permit were approved. The intent of the other properties is less known. It has been suggested that the residents would like to have this designation in place now to pursue zone changes and other changes further into the future. The existing home on the corner of 1620 E. and Fort Union would not meet the current setback requirements for either the RO or NC zone. However, since the RO zone is intended to be more in line with residential characteristics, a structure that was once a residence may fit more appropriately in the RO zone. The size of the structure and the available area for parking and other requirements limits the use of the building and may limit its impact on adjacent properties.

Standards of Review for the Application

Based on statute (either state and/or municipal) the following standards apply when reviewing conditional uses in the city of Cottonwood Heights:

Zoning - RO: Chapter 19.35
Zoning - NC: Chapter 19.37
Zoning - R-1-8: Chapter 19.26
Amendments and Rezoning: Chapter 19.90
Cottonwood Heights General Plan Land Use Map

Staff Contact:

Glenn Symes Associate Planner
Telephone: 545-4190
Fax: 545-4150
Cell: 502-5004
E-mail gsymes@cottonwoodheights.utah.gov

List of Attachments:

1. Map of Property
2. Notice Sent to Property Owners within 500'.



**Request for General
Plan Amendment**
6943 S. 1620 E., &
1638, 1642, 1648, 1680,
1690 E. Fort Union Blvd.

Legend

- City Boundary
- Areas of Potential Annexation
- Parcels
- Faults

City Land Use

- Civic
- Commercial
- MU
- NC
- ORD
- OS
- OS-S
- RES-High Density
- RES-Med Density
- RES-Low Density
- RES-Rural Density
- RO
- Religious
- Utility

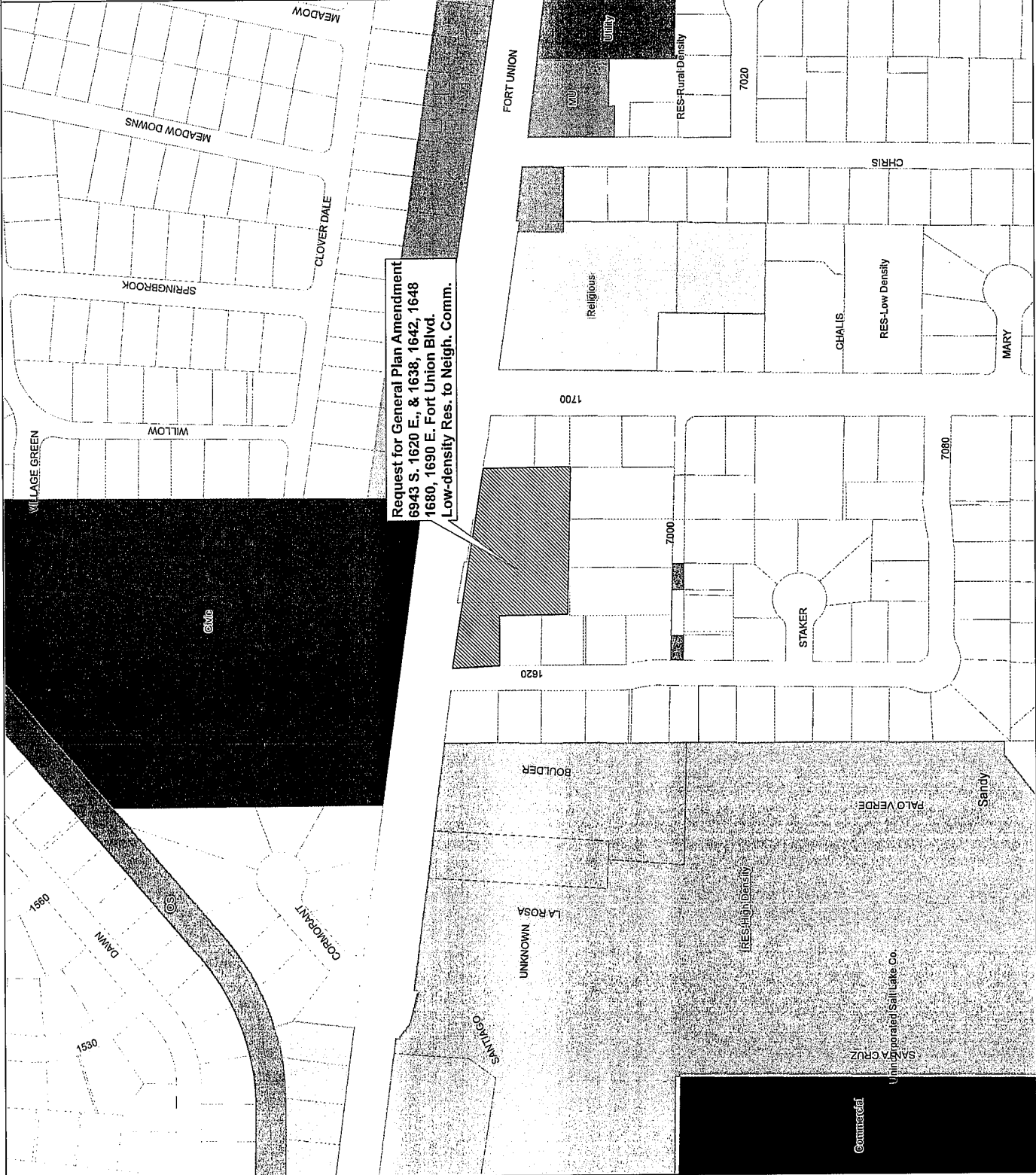
Bordering Cities

- Holladay
- Midvale
- Unincorporated SL County
- USFS Wilderness Area
- Murray
- Sandy

Published:
February 7, 2008
Source:
Utah State AGRC
Cottonwood Heights
Planning Department



Cottonwood Heights
Planning Department
1255 E. Fort Union Blvd.,
Suite 250
Cottonwood Heights, UT 84047
(801) 545-4154





COTTONWOOD HEIGHTS
NOTICE OF A PUBLIC HEARING
ON PROPOSED AMENDMENTS TO THE GENERAL PLAN

Notice is hereby given that Cottonwood Heights will hold a public hearing before the Planning Commission to receive comment on a proposed applicant-initiated amendment to the General Plan for Cottonwood Heights, at the following properties located in Cottonwood Heights, UT:

- 1638 East Fort Union Blvd.
- 1642 East Fort Union Blvd.
- 1648 East Fort Union Blvd.
- 1680 East Fort Union Blvd.
- 1690 East Fort Union Blvd.
- 6943 South 1620 East

The applicant is proposing to change the General Plan designation from Low-Density Residential to Neighborhood Commercial. The hearing will be held at the Cottonwood Heights City Offices, 1265 East Fort Union Blvd., Suite 300, on March 5, 2008, at 7:00 p.m. or as soon thereafter as the matter can be heard. A map of the proposed amendment can be found on the City's website at www.cottonwoodheights.utah.gov. Any inquiries should be directed to Glenn Symes at 545-4154

ATTEST: Linda Dunlavy
 City Recorder

Cottonwood Heights, Utah

Notice of Intent to Prepare a Proposed Amendment to General Plan

PLEASE TAKE NOTICE that the city of Cottonwood Heights, Utah (the “City”) intends to prepare a proposed amendment to its general plan (the “*Proposed Plan*”). The Proposed Plan will cover the geographical area within the City’s current boundaries.

This notice of intent (the “*Notice*”) is given pursuant to *Utah Code Ann.* §10-9a-203, and is being sent to those entitled to such notice under *Utah Code Ann.* §10-9a-203(1) (collectively, the “*Affected Entities*”).

Each of the Affected Entities is invited to provide information for the City to consider in the process of preparing, adopting, and implementing the Proposed Plan concerning (a) impacts that the use of land covered by the Proposed Plan may have on such Affected Entity; and (b) uses of land within the City that such Affected Entity is planning or considering that may conflict with the Proposed Plan.

The City’s Internet website is located at www.cottonwoodheights.utah.gov. More information concerning the Proposed Plan may be obtained from the following person:

Glenn Symes, Associate Planner
Cottonwood Heights
1265 East Fort Union Blvd., Suite 250
Cottonwood Heights, UT 84047
(801) 545-4154



**Request for General
Plan Amendment**
6943 S. 1620 E., &
1638, 1642, 1648, 1680,
1690 E. Fort Union Blvd.

Legend

- City Boundary
- Areas of Potential Annexation
- Parcels
- Faults

City Land Use

- Civic
- Commercial
- MU
- NC
- ORD
- OS
- OS-S
- RES-High Density
- RES-Med Density
- RES-Low Density
- RES-Rural Densit
- RO
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- Utility

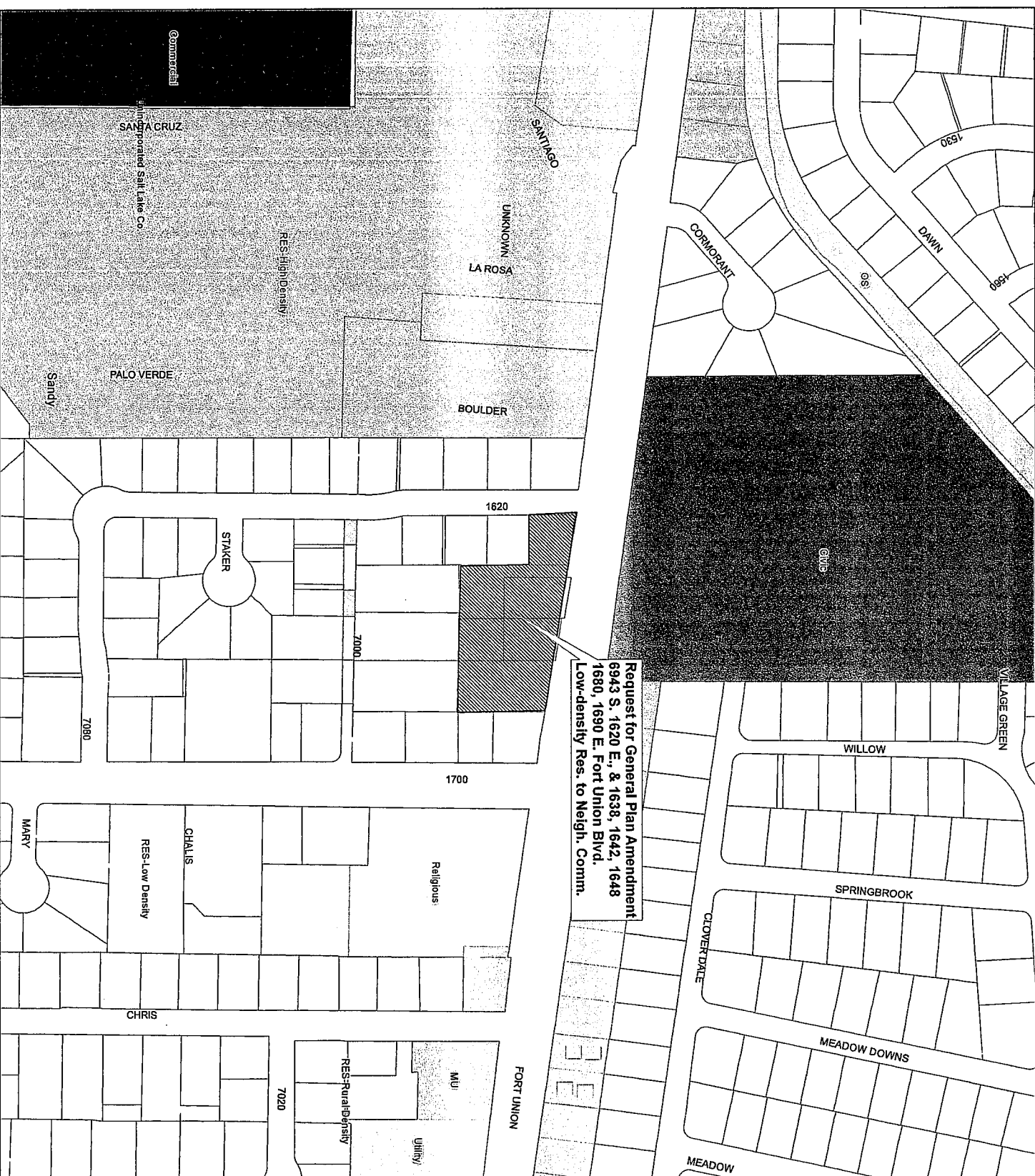
Bordering Cities

- Holladay
- Midvale
- Unincorporated SL County
- USFS Wilderness Area
- Murray
- Sandy

Published:
February 7, 2008
Source:
Utah State Office
Cottonwood Heights
Planning Department



Cottonwood Heights
Planning Department
1266 E. Fort Union Blvd.,
Suite 250
Cottonwood Heights, UT 84047
(801) 546-4154

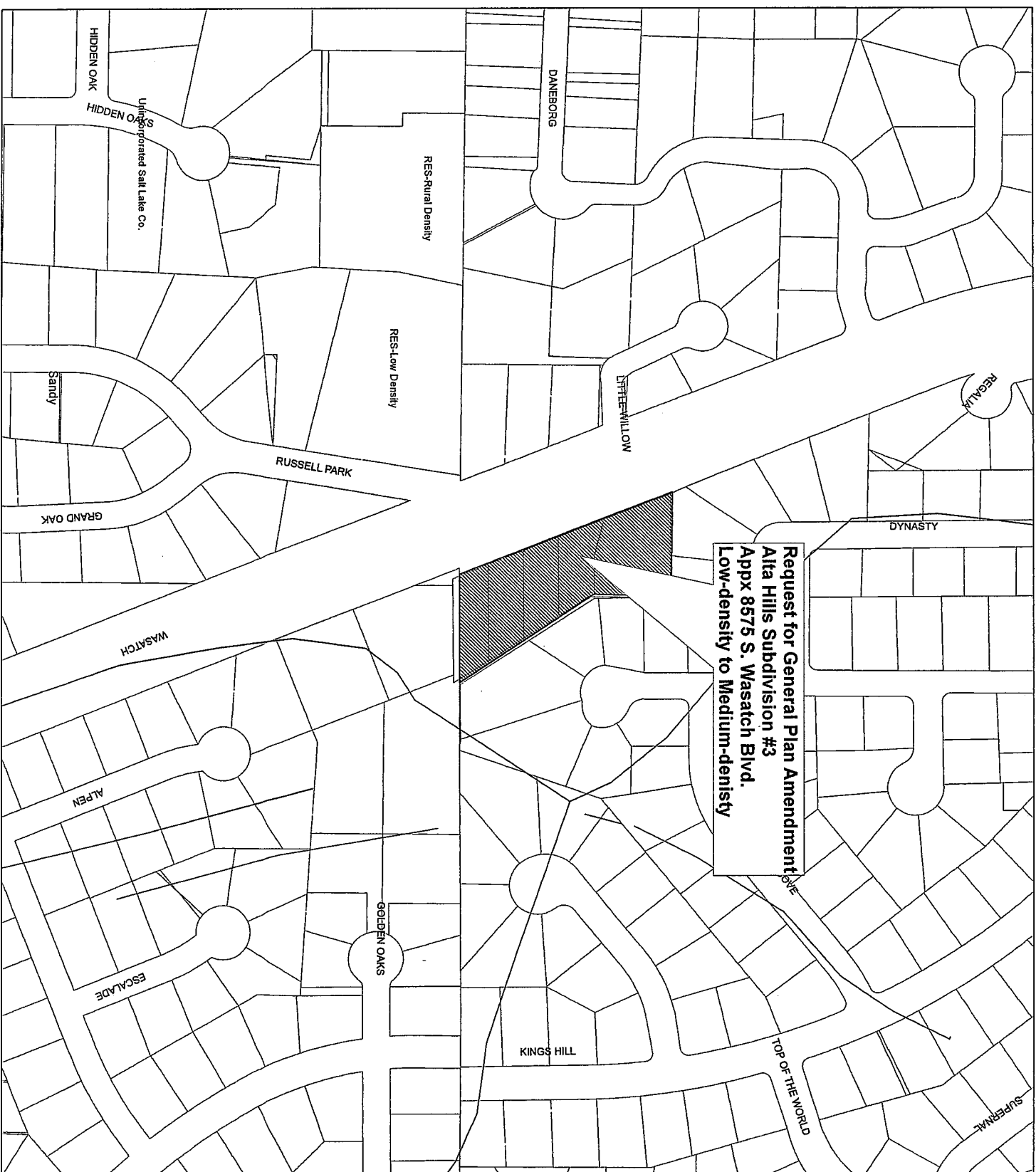


Request for General Plan Amendment
6943 S. 1620 E., & 1638, 1642, 1648
1680, 1690 E. Fort Union Blvd.
Low-density Res. to Neigh. Comm.



**Request for General
Plan Amendment**
8559, 8565, 8575,
8585 & 8595 S. Wasatch
Boulevard

Request for General Plan Amendment #3
Alta Hills Subdivision #3
Appx 8575 S. Wasatch Blvd.
Low-density to Medium-density



Legend

- City Boundary
- Areas of Potential Annexation
- Parcels
- Faults

City Land Use

- Civic
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- Holladay
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Sources:
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Cottonwood Heights
Planning Department



Cottonwood Heights
Planning Department
1265 E. Fort Union Blvd.,
Suite 200
Cottonwood Heights, UT 84047
(801) 546-4184



Item 4: Consent Calendar – Short Term Rentals

The following list of short term rental applications has been received by the City. All application fees have been paid and staff has inspected the properties for compliance with the new Short Term Rental Ordinance. In addition, each applicant has made a statement pertaining to each properties' compliance *"with all legal requirements and all other applicable laws"* pursuant to Cottonwood Heights Municipal Code 19.89.070(B). A map of the properties' locations is attached. Each property is located in the R-2-8 zone and therefore is required to be presented to the planning commission through a public hearing and noticing process for final determination.

As each property is found to be consistent with the requirements of 19.89, staff is recommending that the list of short term rental applications be approved with the following condition:

1. That each approved short term rental property is required to maintain compliance with all sections and sub-sections of chapter 19.89 of the Cottonwood Heights Municipal Code and all other legal requirements and all other applicable laws.

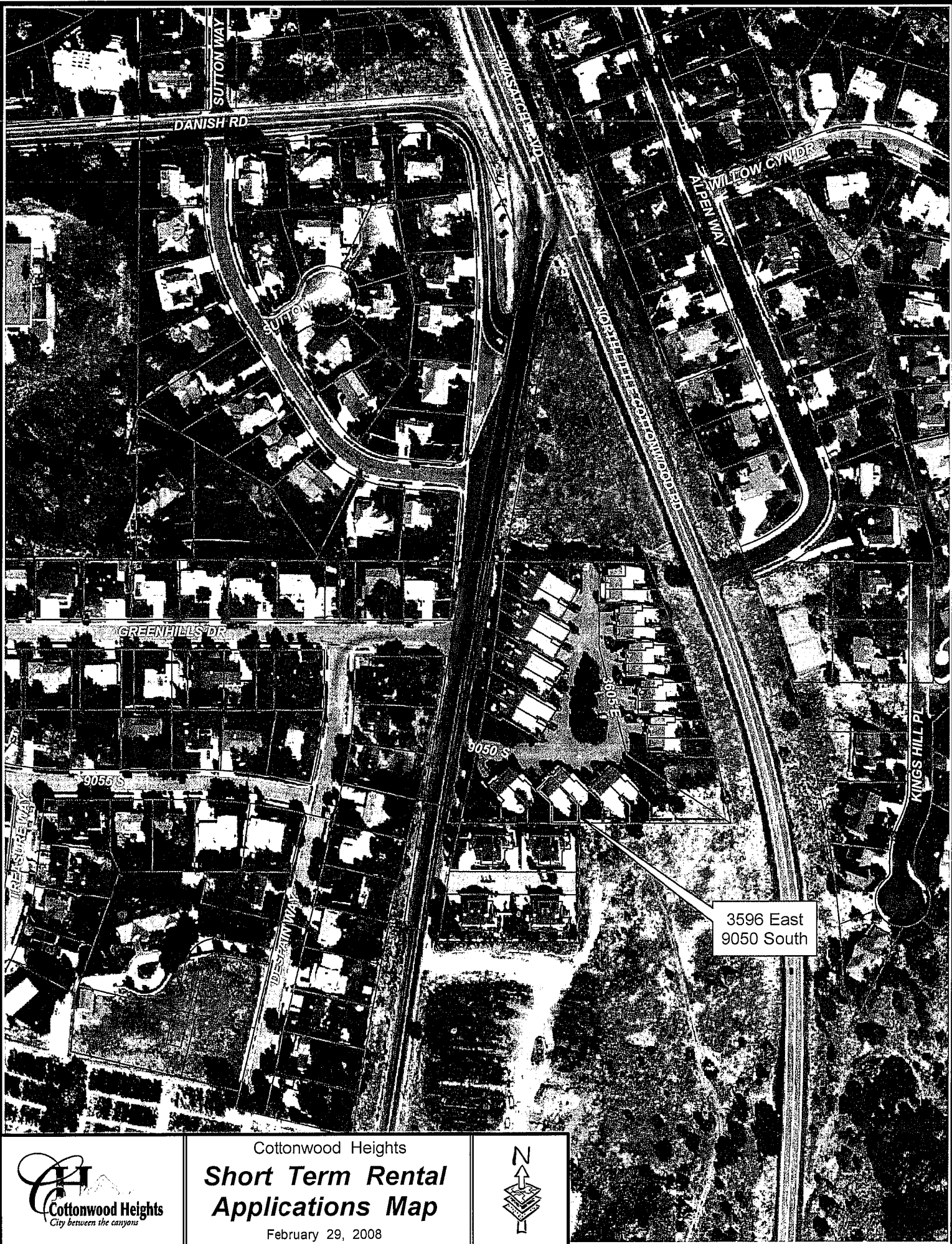
The properties are listed below:

- 3596 East 9050 South
- 3585 East Lost Spring Lane
- 3578 East Lost Spring Lane
- 3560 East Rustic Spring Lane
- 3534 East Wasatch Grove Lane
- 8188 South Clover Spring Lane
- 8196 South Clover Spring Lane
- 8208 South Wasatch Grove Lane
- 8234 South Wasatch Grove Lane

Staff Contact:

Sherry McConkey	Planning Coordinator
Telephone:	545-4172
Fax:	545-4151
E-mail:	smcconkey@cottonwoodheights.utah.gov

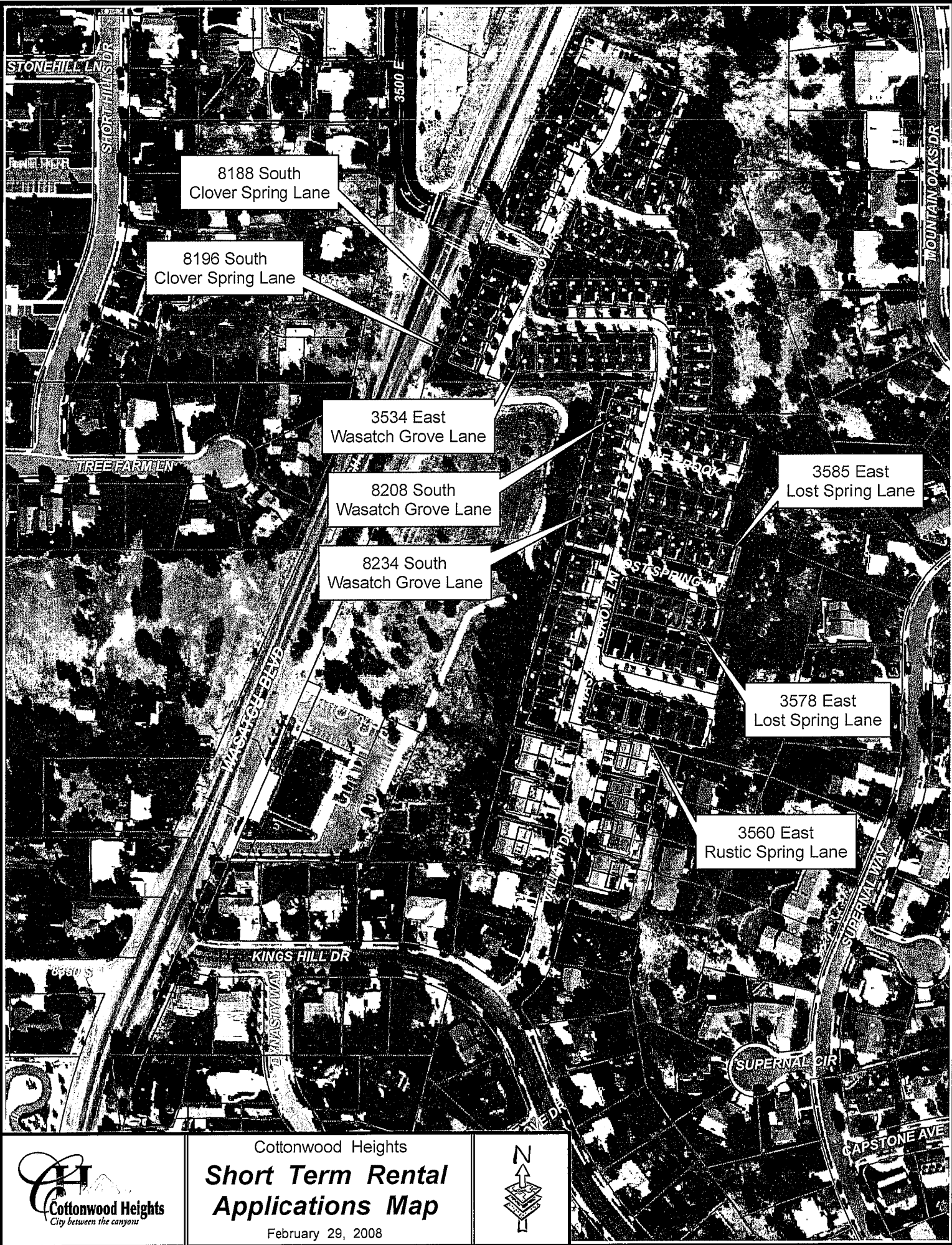
List of Attachments: Map of Properties



Cottonwood Heights
**Short Term Rental
Applications Map**

February 29, 2008





Cottonwood Heights
**Short Term Rental
Applications Map**

February 29, 2008





Item 5 Discussion Item – First Review – Amendments to Chapter 19.76 – Supplementary and Qualifying Regulations

Recently, staff has gone through the entire chapter 19.76 and tried to determine which regulations were invalid, due to the new LUDMA laws, outdated, antiquated or even illegal. We found that we had some regulations from almost every category, save the illegal category. With the review, I was able to go back and delete some inappropriate regulations, modify others and still add some more. I have also proposed a new format for the organization of the regulations to make finding different types of regulations easier through category arrangement.

Please review the ordinance and email me with any questions, or we can address them in the planning commission meeting.

Staff Contact:

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City Planning Director
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Chapter 19.76
SUPPLEMENTARY AND QUALIFYING RULES AND REGULATIONS

Sections:

19.76.010 Effect of provisions.

19.76.020 Lots and lot area

- A. Lots in separate ownership.
- B. Separately owned lots—Reduced yards.
- C. Division of a two-family dwelling.
- D. Sale of lots below minimum width and area.
- E. Sale of space needed to meet requirements.
- F. Yard space for one building only.
- G. Front yard measurement from map.

19.76.030 Structures, bulk and massing requirements

- A. Dwellings, including guest houses, to be on lots.
- B. Accessory buildings—Area of coverage.
- ~~C. Single family or two family dwelling—Standards.~~
- ~~D.C. _____ Public use—Reduced lot area and yards.~~
- ~~E.D. Building Structure height – Vertical distance.~~
- E. Lot grade – measurement.
- F. Height limitations – Building less than one story.
- ~~F. Height limitations—Accessory buildings.~~
- ~~H.G. _____ Height limitations—Exceptions.~~
- ~~I.H. Additional height allowed when.~~
- J.I. Yard regulations.
- J. Demolition permits.
- K. Portable storage containers

19.76.040 Land use

- A. Occupancy permit.
- B. Uses not listed—Compatibility standards.
- C. Special events and temporary sales.
- D. Home day care/preschool, small.
- E. Home day care/preschool.
- F. Home occupations.
- G. Commercial renting of dwellings prohibited.
- H. Residential facilities for the elderly.
- I. Storage of RVs, boats and travel trailers.
- J. Car wash regulations.
- K. Non-depository lending institutions.
- L. Permitted uses – approval standards

19.76.050 Miscellaneous

- A. Appeal of planning commission decision.
- B. Off-site improvements.
- C. Water and sewage facilities.
- ~~D. Animal and fowl restrictions.~~

E.D. Intersecting streets and clear visibility.

F.E. Fences.

G.F. Regulations regarding junk.

19.76.010 Effect of chapter provisions.

The rules and regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title.

19.76.020 Lots and lot area.

A. Lots in separate ownership.

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

B. Separately owned lots—Reduced yards.

On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified herein, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided that, on interior lots, the smaller of the two yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots, the wide yard on the side street shall be in no case less than 15 feet or the other side yard be less than five feet.

C. Division of a two-family dwelling.

Upon certification by the director, a legal, or legal non-conforming, —existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the director. The director may attach conditions to certification consistent with the purpose of the zoning ordinance. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

D. Sale of lots below minimum width and area.

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment.

E. Sale of space needed to meet requirements.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building.

F. Yard space for one building only.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

G. Front yard measurement from map.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the city recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map.

19.76.030 Structures, bulk and massing requirements.

A. Dwellings, including guest homes, ~~to be on lots.~~

1. -Every dwelling shall be located and maintained on a lot, as defined in this title. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one lot.

2. Guest houses shall be a permitted use in the following zones:

- a. R-1-8; -10; and, -15
- b. RR-1-21; -29; and, -43
- c. F-1-21; and -43
- d. F-20

3. The guest house shall be a detached accessory use to a principal residence located in the rear yard of the principal lot.

4. The maximum allowed area of the guest house shall 25 percent of the area of the principal residence (exclusive of garages), whichever is larger.

5. The floor area of the guest house and principal residence combined shall not exceed the maximum impervious surface coverage of the site.

6. The rental or lease of a guest house, or the use of a guest house as a permanent residence for a second family on the premises shall be prohibited.

7. Installation of a separate gas and/or electrical meter for the guest house shall be prohibited.

8. All bulk and massing requirements for accessory buildings, as per the applicable zone, shall be applicable to the guest house.

B. Accessory buildings—Area of coverage.

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

~~C. Single family or two family dwelling—Standards.~~

~~— Any detached single family or two family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off-street parking requirements in chapter 19.80, "Off Street Parking Requirements," and the following standards in addition to any others required by law except as provided in subsection I of this section:~~

~~— A. The dwelling unit must meet the city's building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development, and must not have been altered in violation of codes. A used manufactured home must be inspected by the city's building official or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.~~

~~— B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the Utah State Tax Commission pursuant to *Utah Code Ann.* § 59-2-602, as amended.~~

~~— C. The dwelling must be permanently connected to and approved for all required utilities.~~

~~D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.~~

~~— E. The dwelling must be attached to a site-built permanent foundation which meets the city's building code or, if the dwelling is a manufactured home, the installation must meet the ICBO Guidelines for Manufactured Housing Installations, including any successors to these standards, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICBO Guidelines, and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and that is constructed to meet the requirements of the city's building code. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.~~

~~— F. At least 60% of the roof of the dwelling must be pitched at a minimum of two-and-one-half to 12 (2.5:12) and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.~~

~~— G. The dwelling shall have exterior siding material consisting of wood, masonry, concrete, stucco, masonite, or metal or vinyl lap, or any material meeting the city's building code or materials of like appearance approved by the director. The roof overhang must not be less than six inches, including rain gutters which may account for up to four inches of overhang, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25% of the length of the dwelling. The roof overhang may be reduced to two inches on the side of the dwelling facing the rear yard except on corner lots.~~

~~— H. The width of the dwelling shall be at least 20 feet at the narrowest part of its first story for a length of at least 20 feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory built or manufactured homes shall be multiple transportable sections at least ten feet wide unless transportable in three or~~

more sections, in which case only one section need be ten feet.

~~I. The director may approve deviations from one or more of the developmental or architectural standards provided in subsections E through H of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the director may be appealed to the board of adjustment.~~

~~J. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.~~

DC. Public use—Reduced lot area and yards.

The requirements of this title as to minimum lot area and minimum yards may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements if rule 19.76.030(I) Additional Height is in use, or unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

ED. Structure height — Vertical measurement.

A. Structure height shall be measured by taking the average vertical distance measured at the four corners of the main structure. This measurement shall be taken from the original natural grade of the lot to the highest point of the roof structure. In cases where the four corners of the structure are not explicitly clear, the city's building official and the director shall designate the four corners of the structure.

B. Structures may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped segment shall be measured as required in subsection (A).

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations such as, without limitation, grading, excavation or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the director using the best information available.

E. Lot grade – measurement.

To determine the percent grade of a lot, the grade shall be expressed by determining the percent increase or decrease in elevation using the area of the proposed structure footprint and the front yard.

F. Height limitations—Buildings less than one story.

No building shall be erected to a height less than one story above grade.

G. Height limitations—Accessory buildings.

~~No building which is accessory to a one family, two family, three family or four family dwelling shall contain more than one story or exceed 20 feet in height, subject to more restrictive regulations in this title.~~

HG. Height limitations—Exceptions.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building may be erected above the height limits prescribed in this title when approved by the planning commission, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

IH. Additional height allowed when.

Public or semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding 40 feet if the building is set back from each otherwise established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

JI. Yard requirements

“Yard” means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

A. Fences;

B. ~~Canopies allowed under subsection 19.80.120(B);~~ not to include temporary or permanent carports.

C. Accessory buildings in a rear yard including temporary or permanent carports;

D. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three (3) feet;

E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and

F. Structures less than 18 inches in height from the finished ground surface.

J. Demolition permits.

A. An approved site plan is required before a commercial building can be approved for demolition.

B. The following items must be submitted to obtain a demolition permit:

1. An asbestos inspection from an approved asbestos inspector.

2. A completed and approved "Pre-demolition Building Inspection Form" from Salt Lake Valley Health Department.

3. Approval for demolition from the Utah Division of Air Quality.

4. A letter or email, from all service providers to the property or structure, indicating that all utilities have been terminated.

5. A completed cottonwood heights building permit application.

K. Portable storage containers.

A. In all municipal, residential, commercial, office or mixed-use zone, portable storage containers are permitted only in accordance with the following:

1. As a temporary use, not to exceed 180 days, during the construction, remodeling or redevelopment of a permanent on site structure with a valid building permit.

2. In no case shall a lot contain more than one of such portable storage containers, nor shall any portable storage container be located in required landscape areas, front yard area, required open space, detention basins, drive aisles, fire lanes, required parking spaces, loading zones or any other location that may cause a threat to public safety, or create a condition detrimental to surrounding land uses and property owners.

3. For commercial, office and mixed-use zones a temporary site plan must be submitted for review by the department. Approval of more than one portable storage containers may be approved by staff if the DRC finds that the addition will not jeopardize the public health, safety or welfare or create a nuisance. In addition, the temporary use of portable storage containers shall not violate a conditional use approval.

19.76.040 Land use

A. Occupancy permit.

A. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted or conditional in that zone, and in accordance with the regulations established in this title in that zone.

B. The permit of occupancy shall be issued by the director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used, except for permitted agricultural uses.

C. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the effective date of the amendment codified herein, including nonconforming buildings and uses.

B. Uses not listed—Compatibility standards.

It is recognized that new types of land uses may develop and various forms of land uses not anticipated may seek to locate in the city. The provisions of this section shall provide a mechanism to classify land uses not listed in this title. Determination as to the classification of uses not specifically listed in this title shall be made as follows:

A. Written request. A written request for such a determination concerning an unlisted and uncoded proposed land use shall be filed with the director. The request shall include a detailed description of the proposed use and such other information as the director may require.

B. Investigation. The director thereupon shall make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification, using the following compatibility standards:

1. Volume and type of sales, ~~retail~~retail, wholesale; size and type of items sold and nature of inventory on the premises;

2. Any processing done on the premises; assembly, manufacturing, smelting, warehousing shipping and distribution; and dangerous, hazardous, toxic or explosive materials used in processing;

3. The nature and location of storage and outdoor display of merchandise; enclosed, open, inside or outside the principal building; and predominant types of items stored. business vehicles, work in process, inventory and merchandise, construction materials, scrap and junk, and bulk materials, ores, powders and liquids;

4. Number and density of employees and customers, per unit area of site and buildings in relation to business hours and employment shifts; 5. Business hours the use is in operation or open for business, ranging from seven days a week, 24 hours a day to once to several times a year, such as sports stadiums or fairgrounds;

6. Transportation requirements, including modal split for people and freight, by volume, type and characteristics of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared with other uses on the site;

7. Parking characteristics, turn over and generation, ration of the number of spaces required per unit area or activity, and potential for shared parking with other uses.

8. Predilection of attracting or repelling criminal activities to, from or other premises;

9. Amount and nature of nuisances generated on the premises noise, smoke, odor, glare, vibration radiation, and fumes; and

10. Any special public utility requirements for serving the use water supply, waste water output, pre-treatment of wastes and emissions recommended or required, and any significant power structures and communication towers or facilities.

C. Director's Recommendation. The director's recommendation concerning the proposed use shall be rendered in writing to the planning commission within 30 days unless an extension is granted by the planning commission. The director's recommendation shall state the zone classification in which the proposed use should be permitted as well as the findings which established that such use is of the same character and intensity of uses permitted in that zone classification.

D. Planning Commission Determination; Appeal. Upon receipt of the director's recommendation, the planning commission shall review such recommendation and either approve it as submitted, approve it with modifications, or reject it. The planning commission's decision may be appealed to the city council within 30 days after the date of such decision.

E. Effect of Determination. A use approved for a zoning district based on the foregoing compatibility standards shall thereafter become a permitted or conditional use (as designated by the planning commission) for that zoning district, and shall have the same status as a permitted or conditional use, as applicable, specifically named in the regulations for the zone classification in question.

C. Special events and temporary sales.

A. The director may issue a temporary use permit for a temporary sale, special events, or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood and/or zoning of the subject property. To determine the compatibility of uses, the director

may call a public hearing. Request for such permit shall be submitted in writing.

B. In issuing a permit, the director may:

1. Stipulate the length of time the permit may remain valid;
2. Stipulate the hours of operation of the use; and
3. Stipulate other regulations which are necessary for the public welfare.

D. Home day care preschool, small.

“Home day care/preschool, small” means the keeping for care and/or preschool instruction of six or ~~less~~ fewer children including the caregiver’s own children under the age of six and not yet in full day school within an occupied dwelling and yard. A home day care/preschool, small is exempt from the home occupation requirements of this code, but must meet all of the following standards:

A. There may be a maximum of six children on premises at any time, including the caregiver’s own children under the age of six and not yet in full day school.

B. There shall be no employees that do not reside in the dwelling.

C. The home day care/preschool, small caregiver shall comply with all applicable licensing requirements under title 5 of this code.

D. The use shall comply with all applicable noise regulations.

E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.

F. The lot shall contain one available on-site parking space not required for use of the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.

G. No signs shall be allowed on the dwelling or lot except a nameplate sign.

H. The use shall comply with all local, state and federal laws and regulations.

I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool, or small caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this code.

J. All property owners within a 500 foot radius of the caregiver’s property shall be mailed notice concerning the licensing of a home day care/preschool, small, at such property; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such license, and no such license shall be deemed invalid or illegal because of any failure to mail any such notice.

E. Home day care/preschool.

“Home day care/preschool” means the keeping for care and/or preschool instruction of 12 or fewer children including the caregiver’s own children under the age of six and not yet in full day school within an occupied dwelling and yard. A home day care/preschool may be approved by the planning commission if it meets all of the following standards:

A. There may be a maximum of 12 children on premises at any time, including the caregiver’s own children under the age of six and not yet in full day school.

B. There shall be no more than one employee present at any one time who does not reside in the dwelling.

C. The home day care/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.

- D. The use shall comply with all applicable noise regulations.
- E. The play yard shall not be located in the front yard and only shall be used between 8:00 a.m. and 7:00 p.m.
- F. The lot shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The location of the parking shall be approved by the director to insure that the parking is functional and does not change the residential character of the lot.
- G. No signs shall be allowed on the dwelling or lot except a nameplate sign.
- H. The use shall comply with all local, state and federal laws and regulations.
- I. Upon complaint that any of the requirements of this section or any other city ordinance are being violated by a home day care/preschool caregiver, the city shall review the complaint and, if substantiated, may (1) set a hearing before the planning commission to revoke any conditional use permit, and/or (2) institute a license revocation proceeding under title 5 of this code.
- J. All property owners within a 500 foot radius of the caregiver's property shall be mailed notice of any hearing to grant or revoke any conditional use permit at least ten days prior to the date of the hearing; provided, however, that provision of such notice shall not be a condition precedent to the legality of any such hearing, and no hearing or action taken thereon shall be deemed invalid or illegal because of any failure to mail any such notice.

F. Home occupations

A. "Home occupation" means, (unless otherwise provided) any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit and one additional person who may, or may not, reside in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display nor stock in trade, "stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproduction of works of art" includes, but is not limited to printed reproduction, casting, and sound recordings.

C. The home occupation shall not involve the use of any accessory building or yard space or activity outside the main building if the use of accessory buildings or outside activity, for the purpose of carrying on a home occupation, violates the rule of the use being clearly incidental and secondary to the use of the dwelling or dwelling purposes.

D. The director shall determine whether additional parking, in addition to the two spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces.

G. Commercial renting of dwellings prohibited.

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof located within any forestry, residential, ~~agricultural-rural residential~~ or foothill ~~agricultural~~ zones for accommodation purposes or occupancy by different

individuals for a period less than 30 consecutive days except as specifically permitted by this title.

H. Residential facility for elderly persons.

A. "Residential facility for elderly persons" means a single-family or multiple-family dwelling unit that is occupied 24 hours a day in a family-type arrangement by eight or fewer elderly persons 60 years old or older capable of living independently.

B. Such facility shall be owned by one of the residents or by an immediate family member of one of the residents or the title has been placed in trust for a resident.

C. Placement in such facility is on a voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.

D. No person being treated for alcoholism or drug abuse may be placed in such a facility.

E. The structure shall be capable of use without the residential character being changed by exterior structural or landscaping alterations.

F. Each facility shall not be located within three-quarters of a mile of another residential facility for elderly persons or residential facility for handicapped persons.

G. This use is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with applicable health, safety, and building codes.

~~I. Storage of RVs, boats and travel trailers.~~

~~— All RVs, boats and travel trailers which exceed eight feet in length shall only be stored in a side yard or rear yard, and shall also be subject to other regulations of this code.~~

J. Car wash regulations

A. Applicability and general purposes. Construction and operation of a car wash is subject to prior conditional use approval by the planning commission. The regulations in this section are intended to allow reasonable opportunities for car washes in the city, while (1) reducing noise and adverse visual impacts on abutting uses, particularly residential uses; (2) ensuring adequate drainage; (3) promoting safer and more efficient on-site vehicular circulation; (4) promoting an aesthetically pleasing environment for car washes; and (5) assuring that car washes are located so that they are not the dominant land use in the city's primary commercial or gateway corridors.

B. Location and site.

1. The lot proposed for a car wash shall be located in a zone that specifically allows a car wash as a conditional use or a permitted use.

2. The lot proposed for a car wash shall contain at least 10,000 square feet.

3. The lot proposed for a car wash shall front on, and have direct access to, an arterial or collector street (as designated by the city).

4. The ingress or egress points of a car wash, or any driveway thereon, shall not be located so to impede the safe operation of any intersection, as determined by the city.

5. No car wash shall be located on a corner lot.

C. Additional requirements.

1. General.

(a) Any trash or service area of a car wash shall be fully screened from other properties and public streets.

(b) To the extent practicable, wash bays shall be sited parallel to the adjacent street in such a way as to use the frontage efficiently and be oriented away from any abutting residentially zoned or used property.

2. Access, circulation and on-site parking.

(a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.

(b) Sidewalks to accommodate pedestrian activity shall be provided. Pedestrian access shall be provided from the perimeter of the property to the car wash. Sidewalks in front of, or directly adjacent to, a car wash shall be at least four (4) feet wide.

(c) The circulation system shall provide continuous traffic flow with efficient, non-conflicting movement throughout the site. Conflicts between major pedestrian movement and vehicular circulation shall be minimized.

(d) The planning commission shall specify the distance between any two curb cuts used for entrances or exits to a car wash on a case-by-case basis, provided that such distance shall not be less than thirty-five (35) feet.

(e) If accessory vacuuming facilities are provided, a minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuuming facilities shall not interfere with circulation or entrance or exit drives.

(f) In addition to parking requirements for employees and wash bays set forth in chapter 19.80, each wash bay of a car wash shall have the following vehicle stacking capacity for vehicles waiting to be serviced: (i) three (3) stacking spaces for each bay in a self-service car wash; and (ii) six (6) stacking spaces for each in-bay automatic or conveyor car wash.

3. Building and equipment setbacks.

(a) A car wash shall be set back a minimum of twenty-five (25) feet from the front property line.

(b) Accessory equipment, such as vacuum facilities, shall be set back a minimum of twenty (20) feet from any adjacent street.

(c) Car washes shall meet the side and rear setbacks required by the underlying zone.

4. Architectural design.

(a) A car wash shall maintain a consistent style and architectural theme. Architectural design, building materials, colors, forms, roof style and detailing should all work together to express a harmonious and consistent design.

(b) 360 degree architectural treatment is required. Building design must incorporate variations in building height, building mass, roof forms and changes in wall planes so as to avoid large expanses of flat, uninterrupted building walls.

(c) Building elements shall not function as signage. Incorporation of franchise or business design elements unique or symbolic of a particular business shall be secondary to the overall architectural design. Bold, brash, intense, fluorescent or metallic accent colors shall be used in limited application such as in signage.

(d) All car wash apparatus shall be enclosed or screened from adjacent streets and properties by means of an effective screening device of a height appropriate to its

screening function. Screening may include: solid decorative brick walls, wood fences, earth berms, tight evergreen hedges which shall reach the necessary height within two (2) years of planting, or a suitable combination of the above.

5. Site furniture. Site furniture (such as bicycle racks, trash receptacles, and benches) is required to be incorporated in the design of a car wash, as specified by the city through the conditional use process. The style of the site furniture must complement the overall design of the principal building and be of high quality.

6. All structures within the development shall be designed, constructed and permanently maintained in a planned, integrated, compatible and coordinated manner using the same or substantially identical:

- (a) Exterior building materials and colors;
- (b) Architectural features and style; and
- (c) Lighting and lighting fixtures.

7. Lighting Requirements. In addition to general lighting requirements specified in chapters 19.76 and 19.80 of this code, the following specific lighting requirements shall apply to car washes:

- (a) Lighting of car washes shall be adequate only to facilitate the activities taking place in such locations and shall not be used to attract attention to the business.
- (b) Full cut-off lighting is required.
- (c) Site lighting photometric plans are required.
- (d) The following lighting is prohibited on car wash sites: (i) exposed strip lighting used to illuminate building facades or outline buildings; (ii) neon tubing; and (iii) blinking or flashing lights.

8. Landscaping requirements. All landscaping shall comply with the landscaping requirements of the underlying zoning and the conditional use approval for the car wash.

D. Operational requirements. The following operational requirements apply to all car washes:

1. Water recycling.

(a) All car washes shall be required to be equipped with, and shall maintain in operation, a water recycling system that will recycle not less than fifty percent (50%) of the water being used by such car wash.

(b) Any applicant for a car wash shall submit site plan for review to the applicable water and wastewater provider(s) to insure appropriate and safe provision, use and discharge of water, and shall provide the city with evidence of its submittal to and response/approval by the applicable water and wastewater providers.

2. Hours of operation. Car washes shall not be open for business or otherwise in operation during the nighttime and early morning hours of 10:00 p.m. and 7:00 a.m. the following day.

K. Non-depository institutions

Non-depository institutions are permitted as a conditional use within the Regional Commercial (CR) zone, subject to the following restrictions:

A. A non-depository institution shall not be located within one (1) mile of any other non-depository institution inside the city's geographical boundaries. The distance shall be measured from the exterior walls of the building (or portions thereof) in which the non-

depository institution is located or proposed to be located, and shall be measured as a straight and direct line distance from said point.

B. In addition to the geographical restriction under subsection 19.76.370(A) above, the total number of non-depository institutions located within the city's geographical boundaries shall not exceed one (1) non-depository institution per ten thousand (10,000) residents of the city. A portion or fraction resulting from such a calculation that does not equal a whole number shall not increase, through "rounding" or otherwise, the total number of non-depository institutions possible under this section. For example, if the city's population was 39,999, then a maximum of three (3) non-depository institutions would be possible in the city, and a fourth (4th) non-depository institution would not be possible until the city's population was 40,000 or more. For purposes of such calculation, the city's population shall be determined by the figures provided by the United States Census Bureau's most recent annual estimate.

C. All non-depository institutions are subject to all applicable architectural, design, aesthetic and other regulations of all applicable zones, overlay zones, and other requirements of this title. In addition, all non-depository institutions are subject to the following supplemental regulations:

1. The color of the building housing the non-depository institution shall be restricted to earth tones or shall match the city-approved design theme of the development of which it is a part.
2. At least twenty-five percent (25%) of the first floor façade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.
3. The use of bars, chains, or similar security devices that are visible from a public street or sidewalk is prohibited.
4. The use of neon lighting shall be prohibited on the building exterior.
5. All signage associated with any non-depository institution shall conform to the requirements of chapter 19.82 of this title.

L. Permitted use, approval standards.

19.76.050 Miscellaneous

A. Appeal of planning commission decision.

1. Any person aggrieved by a decision of the planning commission regarding the issuance, denial or revocation or amendment of a conditional use permit may appeal such decision to the board of adjustment, whose decision shall then be final. All appeals to the board of adjustment must be in writing and filed with the department within 30 days after the date of the decision appealed from. The decision of the board of adjustment may be appealed to the District Court, provided that such appeal is filed with the District Court, with a copy to the director, within 30 days after the decision of the board of adjustment.

2. For more information regarding planning commission decisions, please see chapter 19.84 of this title.

~~Any person shall have the right to appeal a decision of the planning commission.~~

~~Appeals shall be made to the board of adjustment unless a right of appeal to the city council is specifically granted in this title.~~

B. Intersecting streets and clear visibility.

In all zones, no obstruction to view in excess of three feet in height shall be placed on any corner lot within a triangular area formed by public or private street property lines and a line connecting them at points 30 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

C. Off-site improvements.

A. Off-site Improvements Required. The applicant for a building or conditional use permit for all dwellings, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter, and sidewalk and asphalt along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be provided as allowed in the this code. Height, location, structural specifications, maximum and minimum cut radii and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

B. Fee in Lieu of Improvements.

1. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such improvements, as determined by the director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

2. The fees shall be placed in a special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the department.

~~C. Exceptions.~~

~~1. The planning commission may grant exception to installation of the sidewalk in industrial areas where the planning commission determines that the sidewalk is not necessary to serve the public need, and the elimination of the sidewalk does not jeopardize the public health, safety or welfare.~~

~~2. The planning commission may grant exception to installation of curb, gutter and sidewalk in rural or estate areas where topographic or other exceptional conditions exist, provided that the public health, safety and welfare are preserved.~~

D. Water and sewage facilities.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer, as defined in the health department regulations, is not available within feet of property where the building or use is proposed, and all cases where a proposed supply of piped water under pressure is not available within feet of property where the building or use is proposed., the alternative sewage disposal and the domestic water supply shall comply with requirements of the health department, and the application

for a building permit shall be accompanied by a certificate of approval from the health department.

~~E. Animal and fowl restrictions.~~

~~— No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet from any street.~~

F. Regulations regarding junk.

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections (B) or (C), shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed one year if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed one year provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;

2. The automobile or truck shall not be visible from any public street; and

3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

G. Fences.

No fence, wall or hedge shall be erected to a height which exceeds four feet in the front yard and six feet in the side yards and/or rear yard. Fencing to a maximum height of eight feet may be allowed for side and/or rear yards as a conditional use upon a clear and convincing showing by the property owner (a) of unique or special circumstances of a material, adverse nature relating to the property that will be substantially minimized or eliminated by the increased height of the requested fence, and (b) that erection of such a fence is the most reasonable solution under the circumstances. Any such conditional use permit may be granted by the director or his designee following an administrative hearing preceded by all required notifications. A building permit shall be required for all fences approved as a conditional use.

~~19.76.320 — Short term rentals~~

~~A. "Short term rental" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation, for a period of less than 30 consecutive days.~~

~~B. A short term rental shall not contain more than four bedrooms.~~

~~C. A short term rental shall be maintained to the following minimum standards:~~

~~1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and~~

~~2. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and~~

~~3. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of 5:00 p.m. and 6:00 a.m., the sidewalk shall be cleaned before 8:00 a.m. the morning following the storm.~~

~~D. Occupants of a short term rental shall not create excessive noise that is incompatible with adjacent land users.~~

~~E. A short term rental use shall not have any signs on the premises that advertise the use.~~

~~F. The use of a dwelling as a short term rental shall not change the appearance of the dwelling or property for residential purposes.~~

~~G. Outdoor pools, hot tubs or spas shall not be used between the hours of 10:00 p.m. and 8:00 a.m.~~

~~H. The operator of a short term rental must be continuously licensed to operate such a business under title 5 of this code.~~

WST/CH/498209.1



Item 6 Discussion Item – First Review – Amendments to Chapter 19.90 –
Amendments and Rezoning.

This amendment is necessary due to recent changes to the LUDMA laws. All of the changes are crucial to ensuring that we are following State procedures. The changes have to do with the process of approval and appeals on zone changes and general plan amendments as well as process for public hearings.

Please review the ordinance and email me with any questions, or we can address them in the planning commission meeting.

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Chapter 19.90

AMENDMENTS AND REZONING

Sections:

19.90.010 Amendment procedure.

19.90.020 Hearing—Notice.

19.90.030 Determination of city Council.

19.90.040 Appeal procedure.

19.90.050 Disapproval of rezone application.

19.90.070 General plan amendment Procedure.

19.90.072 Hearing—Notice.

19.90.075 Determination of city council.

19.90.080 Periodic consideration of general plan application.

19.90.090 Disapproval of general plan application.

19.90.010 Amendment procedure.

A. The city council may, from time to time, amend the number, shape, boundaries or area of any zone or any regulation within any zone or any other provisions of the zoning ordinance. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the recommendation of approval, disapproval or suggestions of ~~by~~ the planning commission. Zoning amendment applications recommended for approved by the planning commission, to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the city council before said zone change will become effective.

~~B. Zoning amendment applications disapproved by the planning commission may be appealed to the city council as provided in section 19.90.040.~~

19.90.020 Hearing—Notice.

Before finally adopting any such amendment, the city council shall ensure that the planning commission has held ~~shall hold~~ a public hearing thereon. Public notice of the hearing shall be given as required by state statute and, or, city ordinance or policy.

19.90.030 Determination of city council.

The city council, after ~~public hearing and review of the decision recommendation~~ of the planning commission, may affirm, reverse, alter or remand for further review and consideration any ~~action recommendation taken made~~ by the planning commission.

19.90.040 Appeal procedure.

~~Any person shall have the right to appeal to the city council a decision or disapproval of a zoning amendment application rendered by the planning commission by filing an appeal, in writing, stating the reasons for the appeal within ten days following the date upon which the decision is made by the planning commission. After receiving the appeal, the city council may reaffirm the planning commission decision disapproving the application, remand the matter to the planning commission for further consideration, or may set a date for a public hearing pursuant to section 19.90.020.(district court)~~

19.90.050 Disapproval of rezone application.

Disapproval by the city council of an application to amend the zoning map shall preclude the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification, or, if the application is for a commercial classification, to the same or any other commercial classification, within one year after the date of the final disapproval of the application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. ~~No appeal may be taken from a planning commission decision rendered pursuant to this subsection.~~

19.90.070 General plan amendment—Procedure.

The city council may amend the general plan. The proposed amendment to the general plan shall not be made or become effective unless it is first presented to the planning commission; the planning commission shall hold a public hearing on the proposed amendment, following reasonable notice pursuant to the procedures set forth in section 19.90.072 and Utah Code; ~~and the planning commission thereafter shall forward the proposed amendment and its recommendations concerning it to the city council.~~

19.90.072 Hearing—Notice.

~~The city council~~planning commission shall hold a public hearing on the proposed amendment upon reasonable notice ~~following receipt of the planning commission's recommendations~~ under section 19.90.070. The public hearing shall comply with state statute for preparing and adopting a general plan. Reasonable notice means compliance with the applicable notice requirement under state statute.

19.90.075 Determination of city council.

After the planning commission review and public hearing as provided in section 19.90.070, ~~and the public hearing before the city council as provided in section 19.90.072,~~ the city council may adopt the amendment as proposed; modify the proposed amendment and adopt it or reject it as modified; or reject the proposed amendment.

19.90.080 Periodic consideration of general plan applications.

The planning commission may establish policies and procedures whereunder pending applications for amendments to the general plan not initiated by the city will be considered by the planning commission only periodically, provided that consideration by the planning commission of such pending applications occurs no more than three times annually at intervals of not less than four months. Any such policies and procedures shall be inapplicable to applications for amendments to the general plan initiated by the city, and the planning commission promptly shall consider any application to amend the general plan initiated by any city body or department.

19.90.090 Disapproval of general plan application.

Disapproval of an application to amend the city's general plan not initiated by the city shall preclude the filing of another application to amend the general plan text in the same

or similar manner or to amend the general plan map for any parcel of property or portion thereof to the same land use designation within one year of the date of the final disapproval of the application unless the city council finds that there has been a substantial change in the circumstances ~~of~~or other significant reasons since the disapproval of the application to merit consideration of a second application within the one year time period.



Item 7 Discussion Item – Architectural Design Standards

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Item 8 Planning Director's Report

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